



Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Attachment # 3
Page 1 of 6

Colleen M. Castille
Secretary

April 21, 2004

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

Mr. Robert E. McGarrah
Manager Power Production
City of Tallahassee
2602 Jackson Bluff Road
Tallahassee, Florida 32304

**RE: Arvah B. Hopkins Generating Station Unit 2, PA 74-03I
OGC No. 04-0463**

Dear Mr. McGarrah:

The Florida Department of Environmental Protection ("Department") hereby gives a notice of its intent to modify the Conditions of Certification for the Arvah B. Hopkins Generating Station Unit 2. The Florida Pollution Control Board issued the Site Certification for Arvah B. Hopkins Generating Station Unit 2 on May 20, 1975. This certification authorized the construction and operation of a 238 megawatt (MW) steam electric power plant and ancillary facilities. The Department of Environmental Protection has subsequently modified the Conditions of Certification on eight different occasions by final orders.

On April 16, 2004, the City of Tallahassee submitted a petition to the Department requesting a modification to the site certification for the Hopkins Generating Station Unit 2 to authorize the operation of twenty-three (23) small (nominal 5.5 MW each) natural gas-fired, simple cycle combustion turbines on a temporary and limited basis. Pursuant to §§ 403.516(1), F.S. and Rule 62-17.211(1), Florida Administrative Code (F.A.C.) the Department proposes to modify the Conditions of Certification for the temporary combustion turbine project.

Pursuant to Section 403.516, Florida Statutes ("F.S."), and Rule 62-17.211, Florida Administrative Code ("F.A.C."), all parties to the certification proceeding have 45 days from the issuance of this corrected notice by mail to such party's last address of record in which file a written objection to the modification. A public notice will also be published in the Florida Administrative Weekly ("FAW") and on the Department's internet home page at <http://www.dep.state.fl.us/> under the link or button titled "Official Notices" regarding this Intent to Modify the Conditions of Certification. Any person who is not already a party to the certification proceeding and whose substantial interests will be affected by the requested

modification has 30 days from the date of publication of the public notice in the FAW to object in writing. Failure to act within the time frame constitutes a waiver of the right to become a party.

Written objections must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida 32399-3000. If the Department does not receive any written objections, then an Order Modifying the Conditions of Certification shall be issued by the Department. If written objections are timely filed which address only a portion of the modification, then pursuant to Rule 62-17.211(1)(b)5., F.A.C. the Department shall issue an Order approving that portion of the modification to which no objections were filed, unless that portion of the modification is substantially related to or necessary to implement the portion to which written objections are filed. If written objections are raised, then pursuant to Section 403.516(1)(c), F.S., the applicant may file a petition for modification with the Department and the Division of Administrative Hearings seeking approval for those portions of the modification to which written objections were timely filed.

Mediation is not available in this proceeding.

Any questions regarding this Intent to Modify Conditions of Certification should be directed to Hamilton S. Oven at (850) 245-8002. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245-2242. Such contact with any of the above does not constitute an objection to the modification.

Sincerely,

Hamilton S. Oven

Hamilton S. Oven, P.E.
Administrator, Siting Coordination Office

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to §120.52
Florida Statutes, with the designated
Department Clerk, receipt of which is
hereby acknowledged.

Jamela Korokos 4/21/04
Clerk Date

City of Tallahassee, Arvah B. Hopkins Unit 2
Order Modifying Conditions of Certification
DEP Case Number PA 74-03I
04/21/04

Attachment # 3
Page 3 of 6

CC by certified mail:

Gary Sams, Esquire
Mary Ann Helton, Esquire
James Antista, Esquire
Craig Varn, Esquire
Sheauching Yu, Esquire
Scott Goorland, Esquire
Mary Jean Yon
Gerry Neubauer
Jeanette Curtis



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April 21, 2004

- CERTIFIED MAIL - RETURN RECEIPT REQUESTED -

Mr. Mr. Robert E. McGarrah
Manager Power Production
City of Tallahassee
2602 Jackson Bluff Road
Tallahassee, Florida 32304

RE: Arvah B. Hopkins Generating Station Unit 2, PA 74-03
(Postcertification Amendment dated April 16, 2004)

Dear Mr. McGarrah:

On April 16, 2004, the Department received a postcertification amendment to the application for the Arvah B. Hopkins Generating Station to reflect revisions to the Unit 2 site to accommodate temporary combustion turbines. The Department has determined pursuant to Section 62-17.205, F.A.C., that the January 14, 2004, post-certification amendment to the application would not require modification to the conditions of certification for the facility. The Department has no objection to the preparation of the site as depicted in the amended application.

The Department's Order shall become final unless a timely petition for an administrative hearing is filed under sections 120.569 and 120.57, Florida Statutes ("F.S."), within **21** days of receipt of this Order. The procedures for petitioning for a hearing are set forth below.

Persons affected by this Order have the following options:

If you choose to accept the above decision by the Department concerning the postcertification amendment you do not have to do anything. This Order is final and effective as of the date on the top of the first page of this Order.

If you disagree with the decision, you may do one of the following:

1. File a petition for administrative hearing with the Department's Office of General Counsel within **21** days of receipt of this Order; or
2. File a request for an extension of time to file a petition for hearing with the Department's Office of General Counsel within **21** days of receipt of this Order. Such a request should be made if you wish to meet with the Department in an attempt to informally resolve any disputes without first filing a petition for hearing.

Please be advised that mediation of this decision pursuant to section 120.573, Florida Statutes ("F.S."), is not available.

Arvah Hopkins Unit 2
4/21/04

How to Request an Extension of Time to File a Petition for Hearing

For good cause shown, pursuant to rule 62-110.106(4), Florida Administrative Code ("F.A.C."), the Department may grant a request for an extension of time to file a petition for hearing. Such a request must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, Mail Station 35, Tallahassee, Florida, 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from the addressee, shall

mail a copy of the request to the addressee at the time of filing. Timely filing a request for an extension of time tolls the time period within which a petition for administrative hearing must be made.

How to File a Petition for Administrative Hearing

A person whose substantial interests are affected by this Order may petition for an administrative proceeding (hearing) under sections 120.569 and 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Boulevard, MS 35, Tallahassee, Florida, 32399-3000, within 21 days of receipt of this Order. Petitioner, if different from the addressee, shall mail a copy of the petition to the addressee at the time of filing. Failure to file a petition within this time period shall waive the right of anyone who may request an administrative hearing under sections 120.569 and 120.57, F.S.

Pursuant to subsections 120.54(5)(b)4 and 120.569(2), F.S. and rule 28-106.201, F.A.C., a petition for administrative hearing shall contain the following information:

- a) The name, address, and telephone number of each petitioner, the name, address, and telephone number of the petitioner's representative, if any, the site owner's name and address, if different from the petitioner, the DEP facility number, and the name and address of the facility;
- b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- c) An explanation of how each petitioner's substantial interests are or will be affected by the Department's action or proposed action;
- d) A statement of the material facts disputed by the petitioner, or a statement that there are no disputed facts;
- e) A statement of the ultimate facts alleged, including a statement of the specific facts the petitioner contends warrant reversal or modification of the Department's action or proposed action;
- f) A statement of the specific rules or statutes the petitioner contends requires reversal or modification of the Department's action or proposed action; and
- g) A statement of the relief sought by the petitioner, stating precisely the action petitioner wishes the Department to take with respect to the Department's action or proposed action.

This Order is final and effective as of the date on the top of the first page of this Order. Timely filing a petition for administrative hearing postpones the date this Order takes effect until the Department issues either a final order pursuant to an administrative hearing or an Order

Responding to Supplemental Information provided to the Department pursuant to meetings with the Department.

Judicial Review

Any party to this Order has the right to seek judicial review of it under section 120.68, F.S., by filing a notice of appeal under rule 9.110 of the Florida Rules of Appellate Procedure with the clerk of the Department in the Office of General Counsel, Mail Station 35, 3900 Commonwealth Boulevard, Tallahassee, Florida 32399-3000, and by filing a copy of the notice of appeal accompanied by the applicable filing fees with the appropriate district court of appeal. The notice of appeal must be filed within thirty days after this order is filed with the clerk of the Department (see below).

Questions

Any questions regarding the Department's review of your postcertification amendment should be directed to Hamilton S. Oven, P.E. at (850) 245-8002. Questions regarding legal issues should be referred to the Department's Office of General Counsel at (850) 245 - 2242. Contact with any of the above does not constitute a petition for administrative hearing or request for an extension of time to file a petition for administrative hearing.

Sincerely,

Hamilton S. Oven

Hamilton S. Oven, P.E.
Administrator, Siting Coordination Office

FILING AND ACKNOWLEDGMENT
FILED, on this date, pursuant to §120.52
Florida Statutes, with the designated
Department Clerk, receipt of which is
hereby acknowledged.

Jamila Korokos 4/21/04
Clerk Date
(or Deputy Clerk)

cc: Scott Goorland, Esq.
Mary Ann Helton, Esq.
Sheauching Yu, Esq.
Duncan Cairns
Mary Jean Yon

Gary P. Sams, Esq.
Craig Varn, Esq.
Jim Antista, Esq.
Parwez Alam
Gerry Neubauer